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C O N F I D E N T I A L SECTION 01 OF 03 PORT AU PRINCE 002667

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [HA](#)

SUBJECT: HAITI ELECTIONS: DECEMBER 18 TARGET DATE FOR FIRST ROUND

REF: A. PORT-AU-PRINCE 2652
[1](#)B. PORT-AU-PRINCE 2634
[1](#)C. PORT-AU-PRINCE 2656

Classified By: Charge d'Affairs Douglas M. Griffiths for reasons 1.4(b) and (d).

[1](#)1. (C) Summary: MINUSTAH, the Provisional Electoral Council (CEP) authorities, and CEP Director General Jacques Bernard aim to hold the first round of national elections on December 18, and have tentatively chosen January 29 for the runoff and local elections. To meet this target, the CEP must still approve voting center sites and staffing and, finalize candidate lists. MINUSTAH has started to pick voting centers and will present a list of 800 centers to the CEP by October [1](#)30. The CEP has announced it will publish provisional lists of all candidates by Saturday, October 29, and that the list will include Dumarsais Simeus. The government will shortly publish the decree removing the Supreme Court from the electoral appeals (the decree is with the printers), thus shortening the time necessary to prepare final candidate lists. Bernard hopes to gain immediate approval from the CEP for new CEP by-laws that limit the role of the electoral support committee and strengthen his own authority. In the meantime, the Prime Minister and the Justice Minister continued to insist over the past week that dual-national candidates will not be allowed to run for office. The State Commission on the Nationality of Candidates ("Commission d'Etat sur la Nationalite des Candidats" - CENC) has distributed a questionnaire to the presidential candidates requiring them to document their citizenship and attest that they hold no other nationality. Bernard's moves are encouraging, but the CENC continues to obscure the entire electoral process. End Summary.

Internal Conclusion: First Round December 18

[1](#)2. (C) After a series of intensive consultations between MINUSTAH, the CEP, and Jacques Bernard, all have agreed that Sunday, December 18 is the first possible date for the first round of national elections. According to MINUSTAH elections chief Gerardo LeChevallier, once the CEP publishes the provisional list of legislative candidates, elections preparations will take 44 days: nine days for candidate contestation; 21 days to print and deliver ballots to MINUSTAH; and 14 days for MINUSTAH to distribute the ballots to the provinces. To hold to this timeline, MINUSTAH officials told their Haitian counterparts that the provisional candidates lists must appear by October 29. The CEP told Emboffs privately that the list could appear as late as November 4, though this delay would consume any remaining flexibility in their preparations timeline. MINUSTAH,s planning assumes the removal of the Supreme Court from the appeals process: the government reports it will promulgate this decree on October 28.

[1](#)3. (C) In addition to producing provisional candidate lists, Bernard and the CEP must still move urgently to identify and approve voting centers and hire staff. MINUSTAH has started to choose voting centers without consulting the CEP -- much as the OAS chose their own sites to jump-start registration -- and intends to present to the CEP on October 30 a list of roughly 800 voting centers they can secure, support, and service as a fait accompli. Bernard is also pushing the CEP to immediately hire all available OAS staff from the registration effort, a decision the CEP was unable to make prior to Bernard's arrival. Opening voting centers is also necessary in order for the OAS to distribute voter ID cards, though the OAS continues to work with the CEP to distribute as many ID cards as possible with the limited distribution infrastructure now available (ref A). At Bernard's urging, the CEP on October 29 will hold the lottery to assign each party a ballot number.

Bernard Now in Charge?

[1](#)4. (C) Bernard has taken further steps to solidify his

authority. As detailed in ref B, upon becoming Director General on October 15, Bernard inherited by-laws that gave the support committee broad authority over the electoral process and him virtually none. Bernard reportedly gained the approval of the Prime Minister, President Alexandre, and CEP President Mathurin on October 27 for new by-laws that would leave the support committee in place but greatly reduce its rule while giving Bernard executive authority within a (once again) re-structured CEP. Bernard and the IGOH were to seek formal CEP approval for these by-laws on October 28. Bernard believed he had the support of six of the nine CEP members, with Pierre-Richard Duchemin, Patrick Fequiere, and Louis Gerson Richme opposing his increased authority.

15. (C) CEP member Patrick Fequiere announced on October 17 that the CEP would respect the decisions of the Supreme Court and add Dumarsais Simeus and Jean Marie Cherestal to the list of approved presidential candidates. CEP President Max Mathurin later confirmed that statement, but support committee member Danielle Magloire and other CEP members have subsequently indicated that the CEP could again publish a provisional presidential list in order to consider information provided by the CENC. (Comment: A second provisional list of presidential candidates would not necessarily interfere with election planning: MINUSTAH's timetable includes the period of contestation for the other national candidates that could coincide with a second period of presidential contestation. The legal basis for a second provisional presidential list is questionable, however, and will further aggravate the developing crisis surrounding dual-national candidates. End Comment.)

CENC on the Job

16. (C) Both the Prime Minister and Justice Minister Dorleans have repeatedly re-affirmed over the past week their intention to support the CENC and disqualify candidates at every level who have naturalized abroad or otherwise fail to meet constitutional requirements for citizenship and residency. Dorleans warned candidates that while the CEP had based its rulings on "faith," the CENC would act according to the law. The Prime Minister insisted most recently on October 27 that the CENC would disqualify Mr. Simeus. The CENC delivered on October 21 a questionnaire to the presidential candidates requiring them to document family relationships, passport information, and travel and residence outside of Haiti. The questionnaire also requires candidates to attest they have not "acquired by naturalization another citizenship and thus lost Haitian citizenship," as stipulated by the constitution. Simeus and fellow presidential candidate Samir Mourra have stated they will not submit the questionnaire and will challenge the CENC's legality (ref C).

Comment

17. (C) If Bernard and company can hold a first round on December 18, February 7 remains a viable date for a transition of power, but just barely. Apart from meeting the immediate deadlines to produce decrees and candidate lists, we believe the MINUSTAH timetable will depend on Bernard successfully pushing through by-laws that allow him to formally operate in tandem with MINUSTAH, free of operational interference from the CEP or any other body; a de facto takeover of the electoral process by MINUSTAH and a CEP executive. The CENC threatens to disrupt the entire process, however, as it moves to identify and disqualify candidates.
GRIFFITHS